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NEWS
from the
UNITED STATES
DEPARTMENT OF LABOR
Office of Information,
Publications and Reports
Washington, DC
20210

WEEK OF SEPTEMBER 1977

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Week of September 26, 1977

MARSHALL ANNOUNCES 500,000 PUBLIC SERVICE
JOBS HAVE BEEN CREATED; ASKS FURTHER STEPS

WASHINGTON -- Secretary of Labor Ray Marshall has announced that 500,000 federally-subsidized public service jobs have been created so far.

But he said more needs to be done in both the public and private sectors to provide employment.

Marshall said it is "already clear" that the Nation is not meeting its goals with respect to black and youth unemployment and suggested additional possible steps that could be taken including:

-- Expanding public service jobs beyond the 725,000 currently authorized.

-- Asking for a supplemental $500 million appropriation for the Youth Employment and Demonstration Projects Act, rather than waiting until the 1979 fiscal year to spend this money.

-- Starting to test the jobs component of welfare reform immediately, targeting programs at inner city and youth unemployment.

"What I am suggesting is that we need to continue to do everything we can to stimulate consumer and business confidence in order to provide the expansion of employment in the private sector, where four out of five jobs are located," Marshall said.

He made his statement in remarks prepared for delivery before the national conference of the National Alliance of Businessmen in Washington, D.C.

Marshall told the conference that "if private investment is not sufficient to move the economy toward lower levels of unemployment and capacity utilization of plant and equipment, we must be prepared to increase public investment in order to accomplish this objective.

"In fact," he said, "I think a credible public commitment to promote the necessary economic growth to reduce unemployment, stimulate business conditions, and minimize inflationary pressures, would stimulate consumer and business confidence."

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Marshall said expansion of the present public service jobs program "is running at more than 110 percent of our projections.

"If we continue to create public service jobs at this rate," he said, "we will reach our goal of 725,000 CETA (Comprehensive Employment and Training Act) slots well before our target date of next March 1."

"Slots" is a term used to describe job openings.

Marshall also said the Youth Employment and Demonstration Projects Act task force "is working around the clock to get this program ready to begin by early October."

He said "this means that we will not begin to see the results of this innovative program until early next year."

Marshall called for government and the private sector to work together to promote full employment and economic stability.

"I am pleased to have the NAB working with us in this undertaking," he said.

Marshall said NAB is working with the Labor Department to provide 237,000 summer jobs to disadvantaged youths and 100,000 jobs for Vietnam-era veterans by year's end.

The best formula for battling unemployment, Marshall said, lies in a two-track approach -- to stimulate the private economy because most jobs must be created through economic expansion of the private sector, and to expand temporary public service jobs for workers who cannot find jobs in the private sector.

Pointing to the latest 40 percent unemployment rate for black teenage youths, Marshall cited the following as contributing factors to these "shockingly high figures":

-- a greater percentage increase in the number of black youths entering the job market than white youths

-- the impact of inflation, forcing more family members into the labor market in order to sustain real family incomes

-- the "legacy of past discrimination."

Marshall said blacks tend to be concentrated in large urban areas but jobs are growing mainly in suburbs and rural areas.

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Week of September 26, 1977

2 NEW YOUTH PROGRAMS LAUNCHED; PREFERENCE GIVEN
TO MINORITY YOUTH, ECONOMICALLY DISADVANTAGED

WASHINGTON -- Moving rapidly to help ease youth employment problems, the U.S. Labor Department announced the issuance of guidelines for two key job and training programs serving more than 300,000 young people, 14-21, and funded with almost $500 million.

The two new programs are the Youth Community Conservation and Improvement Projects (YCCIP) and Youth Employment and Training Programs (YETP). Both give preference to the economically disadvantaged, especially minority youth and others having severe difficulties in obtaining employment. Both stress the role of neighborhood and community-based organizations and encourage the involvement of local labor organizations.

Following is a summary of the two programs:

-- YCCIP: Will employ youth, 16-19, for up to 12 months in well-supervised work of tangible benefit to the community. The work itself is the source of training, with academic credit for job experiences encouraged wherever appropriate. The majority of resources will be devoted to year-round projects. Participants will be paid wages. For fiscal year 1978, $86.3 million is currently available, creating an estimated 17,000 year-round openings.

-- YETP: For youth, 14-21, authorizes the same kinds of services already available under Title I of CETA. The intent, however, is to improve the quality and coordination of such services. Annual plans and youth councils are tools for achieving this. Practical experiences on the job will be of primary importance. Wherever possible, job information, counseling, and placement services will be provided. Employment and training for youth in school should be closely integrated with educational programs. Participants will be paid a wage or training allowances depending on whether they spend most of the time on the job or in training. For fiscal year 1978, $402.5 million is currently available, creating an estimated 112,000 openings. All CETA prime sponsors are eligible for a share

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of the funds according to a formula based on the extent of unemployment.

The programs were authorized by the Youth Employment and Demonstration Projects Act of 1977 (PL 95-93), signed by President Carter Aug. 5. The legislation also created two other programs: the Young Adult Conservation Corps, to be operated under an interagency agreement signed Aug. 22 by the Departments of Labor, Agriculture, and Interior; and the Youth Incentive Entitlement Pilot Projects announced Sept. 3 in a nationwide request for proposals from Comprehensive Employment and Training Act (CETA) prime sponsors.

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Week of September 26, 1977

PROJECT TO TEST GUARANTEED JOBS
AS WAY TO KEEP POOR YOUTH IN SCHOOL

WASHINGTON -- A $115 million national demonstration will test the feasibility of guaranteeing economically disadvantaged students, 16 through 19, a year-round job as an incentive to finish high school, Secretary of Labor Ray Marshall announced.

The experimental 18-month effort, known as Youth Incentive Entitlement Pilot Projects, will begin operation in January 1978 and will provide an estimated 20,000 jobs.

It was authorized by the Youth Employment and Demonstration Projects Act of 1977 (YEDPA), signed into law August 5 by President Carter, adding a new section to Title III of the Comprehensive Employment and Training Act (CETA).

The program will operate in selected communities where it will guarantee a job to all young poor residents who are in school or willing to return. The program will be conducted by CETA prime sponsors.

Secretary Marshall pointed out that because of high cost of guaranteeing jobs, the funds available permit only a limited number of demonstrations. Furthermore, the job entitlement approach must be tested under varying geographic, economic, and other circumstances.

To test whether jurisdictions can feasibly implement substantial programs, between four and six large-scale projects will be established. These will cover entire prime-sponsor areas or neighborhoods within large areas.

To test a number of secondary questions raised in the new act and to get a wider geographic spread, between 8 and 10 smaller projects will be funded. These will demonstrate specific innovative approaches, covering only the area served by a particular school or small school district.

All 446 CETA prime sponsors are eligible to apply for funds. The Employment and Training Administration (ETA) has sent them guidelines outlining the procedures for pre-application submission.

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Local programs are to begin at the start of the second semester of the 1977-78 school year and continue throughout the 1978-79 year.

ETA will track performance of the experimental projects, make needed policy changes or other actions, prepare the Department's reports to the Congress on the efficacy of the ideas tested, and recommend any future legislative actions warranted by findings of the experiment.

Prime sponsors were requested to submit a letter of intent to apply by Sept. 16; pre-applications must be received by Oct. 3; a select group of the proposed projects will be identified by Oct. 17. Final application submissions must be received for consideration for full funding by Nov. 23; final projects will be competitively selected by Dec. 12. Sponsors of projects selected in the final application process will be provided demonstration project grants for the 18-month period by Jan. 15, 1978.

Initial letters of intent were to be sent to Kathryn Higgins, Employment and Training Administration, U.S. Department of Labor, Rm. 3011, 601 D St., N.W., Washington, D.C. 20213.

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Week of September 26, 1977

DISTRICT COURT UPHOLDS LABOR DEPARTMENT
IN UNIROYAL SUIT

WASHINGTON -- An attempt by Uniroyal, Inc. to have certain U.S. Labor Department regulations under Executive Order 11246 declared legally invalid was dismissed by a federal district court in Indiana, Assistant Secretary of Labor for Employment Standards Donald Elisburg announced.

The case, which involved regulations governing pre-dabarment hearing procedures, was dismissed by the District Court for the Northern District of Indiana on the grounds that Uniroyal failed to exhaust the administrative remedies available to it within the Labor Department. The court also held that the executive order regulations are valid and included in the company's government contracts.

As a federal contractor, Uniroyal is subject to the requirements to Executive Order 11246 which prohibits employment discrimination by federal contractors and subcontractors on the basis of race, color, sex, religion, or national origin. The order is administered by the department's Employment Standards Administration, Office of Federal Contract Compliance Programs (OFCCP).

"This case is another example of the futility in attempting to thwart strong enforcement of equal employment opportunity programs," Elisburg said. "Neither the courts nor the Department of Labor will allow federal contractors to violate their contractual obligations. We in the department will take whatever action is required to enforce the executive order."

Uniroyal's court action stemmed from a July 28, 1976, administrative complaint issued by the Labor Department, charging the company with race and sex discrimination. In response to that complaint, Uniroyal requested and was granted administrative hearing on the charges. The Labor Department, in preparation for the hearing, filed requests for personnel records and other relevant information which the company refused to provide.

Prior to the hearing, Uniroyal filed suit in district court, contending in part

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that the Labor Department did not have the authority to request the information. The company also claimed it would face irreparable injury if the department were permitted to seek sanctions for the company's failing to provide the information.

The Labor Department maintained that its regulations permitting access to the personnel records and other pre-hearing discovery were consistent with the intent of the executive order and therefore valid. The discovery phase of legal proceedings is designed to provide both parties with the opportunity to seek documents, statements, and other information relating to issues in a case.

Upholding the Labor Department, the court denied both contentions by Uniroyal. In an Aug. 15 ruling, it confirmed the Secretary of Labor's authority to promulgate pre-hearing regulations and pointed out that Uniroyal, in signing its federal contracts, had agreed to supply personnel and other required information to the government.

On the point of irreparable injury, the court ruled that Uniroyal was in no danger of losing government contracts or subcontracts prior to completion of the administration process. The company has federal contracts averaging at least $25 million per year.

OFCCP Director Weldon J. Rougeau emphasized the department's determination to enforce the executive order, even when it means going to court, such as in the Uniroyal case. "We will be fair but firm in our dealings," he said. "however, contractors which are unable or unwilling to meet the executive order requirements cannot expect to continue doing business with the federal government."

Uniroyal is one of nine businesses currently facing the possibility of debarment from federal contract work for executive order violations. Allegations against the company date back to September 1972, when a compliance review by the Department of Interior revealed discriminatory employment practices at Uniroyal's Mishawaka, Ind., facility.

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The Interior Department, one of 16 federal agencies with contract compliance responsibilities, found evidence that Uniroyal failed to provide equal job opportunities including comparable pay, promotion potential, and other benefits for its female and minority workers.

The district court's decision paves the way for return to the administrative process and a hearing before a Labor Department administrative law judge. The hearing is expected to begin in October.

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Week of September 26, 1977

LABOR DEPARTMENT REPORTS SEEKS
OVERHAUL OF EEO PROGRAMS

WASHINGTON -- Recommendations to revamp and strengthen the government's programs requiring equal employment opportunity (EEO) by federal contractors and subcontractors are detailed in a special report released by Assistant Secretary of Labor Donald Elisburg.

The report of the Office of Federal Contract Compliance Programs (OFCCP) Task Force contains nearly 30 broad-based proposals to upgrade program operations and improve enforcement of contract compliance provisions.

As part of the department's Employment Standards Administration, OFCCP administers programs prohibiting employment discrimination by federal contractors and subcontractors on the basis of race, color, sex, religion, national orign, and handicap or veteran status. Employers are also required to take affirmative action to hire and promote these workers.

Among the task force's recommendations in "A Report on the Revitalization of the Federal Contract Compliance Program" are proposals to:

- consolidate all EEO contract compliance responsibility within the U. S. Department of Labor (certain enforcement responsibilities are currently delegated to 16 other federal agencies);
- reevaluate the use of goals and timetables and other affirmative action requirements in order to improve results and achieve greater efficiency;
- develop a new regulatory framework for enforcing contract compliance in the construction industry, as was recently propsed in the Federal Register, and for handling systemic discrimination under the handicapped workers and veterans laws;
- establish a Contract Compliance Appeals Board and expedited hearing procedures for determining sanctions against contractors which violate their lawful obligations;
- convene a public advisory council with representatives from industry, labor, and special interest groups for consultation and oversight purposes.

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--Are multiple opinions necessary on the appropriateness of a limitation recommended by a first physician?

-- What are medical criteria for limitations on exposure?

-- What is the appropriate duration of medical removal protection?

-- What is the relation between awards to the removed worker under Workers' Compensation and payments under the medical surveillance provisions?

-- What conditions should terminate medical removal protections?

OSHA also seeks comments on various issues and any other directly related issues, such as:

1. What impact would this provision have on small businesses?
2. What impact would this provision have on collective bargaining?
3. Should employees be permitted to remain on their job despite the risk of material impairment of their health?
4. To what extent, if any, should respirators be permitted to reduce exposures of employees who are at increased risk of material impairment to their health?

Written responses and testimony at the public hearing will be limited to issues directly related to medical removal protection. All comments for the record must be postmarked no later than Oct. 17 and submitted in quadruplicate to the Docket Officer, Docket H-004, Room S6212, U. S. Department of Labor, 3rd Street and Constitution Avenue, N. W. Washington, D. C. 20210.

All persons desiring to participate at the November hearing must file a notice of intention to appear (postmarked no later than Oct. 17) with Clarence Page, OSHA Division of Consumer Affairs, Docket H-004, Room N3635, U. S. Department of Labor.

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OSHA REOPENS LEAD RECORD TO ADDRESS MEDICAL REMOVAL PROTECTION

WASHINGTON -- The Occupational Safety and Health Administration (OSHA) has announced the reopening of the hearing record for its proposed standard on lead.

The U. S. Labor Department agency is soliciting views and data by Oct. 17 on appropriate protections for workers transferred or removed from lead exposure under medical surveillance provisions of its proposed lead standard. An informal public hearing on the issue and comments received is scheduled to begin Nov. 1.

In pointing out the problems associated with medical surveillance, Dr. Bingham, assistant secretary for OSHA noted "there is significant evidence that employees are unwilling to participate in medical screening and examination programs because they fear that the discovery of an abnormal medical condition resulting from their occupational exposure may lead to the loss of employment or other adverse employment effects."

The agency seeks to develop a medical surveillance provision that would "afford significant employee protection from serious health hazards without a consequential loss for the exposed worker" Dr. Bingham said.

OSHA does not favor tranfer or removal of workers as an alternative to controlling the level of a toxic substance in the workplace. However, it appears that transfer or removal may, on occasion, be necessary to protect workers from impairment of health. The present practice of many employers is to remove workers from exposure to lead when specific blood lead levels are reached. In these cases, appropriate protections are not always afforded the worker.

In discussion of medical removal protection, the agency asks the following questions for which it seeks public views:

-- Is a provision for removal protection necessary or appropriate?

-- What should be the appropriate scope of this provision?

-- What earning protection programs are presently in use, and how do they operate?

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"The OFCCP Task Force Report provides creative and incisive alternatives to our present system," Elisburg said. "There is no question that this program must be strengthened and improved. The task force recommendations offer exciting opportunities to chart a new course for OFCCP."

The task force report recommends that OFCCP should remain separate from the Equal Employment Opportunity Commission, which also has nondiscrimination enforcement responsibilities. The report suggest that the two agencies should work to improve the individual programs in order to complement and reinforce each other's activities.

Additional recommendations of the task force call for a thorough analysis of existing case law in order to develop standards for all phases of contract compliance and enforcement efforts; development of new regulations to ensure prompt, systematic enforcement; and establishment of a management information system for targeting compliance reviews of federal contractors and subcontractors.

Elisburg established the task force on March 31, to conduct a comprehensive analysis of OFCCP. Among its goals were better regulation of contractors' employment practices, improved fiscal management of the program, and strengthened relationship between OFCCP and other federal agencies with similar responsibilities.

Weldon J. Rougeau, OFCCP director and chairman of the task force, said that final actions to improve the program will be taken as a result of the task force report and public reaction to the proposals.

Interested parties are invited to submit comments on the report until Oct. 17. Requests for single copies of the report, and comments on it, should be addressed to the Office of Federal Contract Compliance Programs, Employment Standards Administration, Room C3324, New Department of Labor Building, 3rd St. and Constitution Ave., N. W., Washington, D. C. 20210.

# # #

SINGLE MEN, MARRIED WOMEN SHOW
USUALLY LARGE LABOR FORCE GAINS

WASHINGTON -- Single men and married women posted steep labor force gains over the year ending March 1977, the U.S. Department of Labor's Bureau of Labor Statistics announced. Virtually all of the increases were in employment.

Nearly three-quarters of a million more single (never-married) men were in the March 1977 labor force than a year earlier. Though smaller, the rise among single women was a substantial 390,000.

These labor force increases reflect the long-term growth in the number of single persons 20 to 30 years old due primarily to the aging of the enormous number of children born in the late 1940's and 1950's.

Labor force participation rates are comparatively high for single men and women in the 20 to 30 year age group. In addition, many of these persons are marrying somewhat later than has been the case in recent decades, thus contributing to the rise in the number of independent, one-person households.

The rise in the number of working wives with husbands present (about 825,000) was one of the largest over-the-year increases on record as their labor force participation rate advanced to 46.6 percent.

In March 1977, almost half of the wives in the labor force had no children under 18 years old, and for the first time in several years, their labor force participation rate edged up, reaching 44.9 percent. The participation rates for wives with children under age 18 rose sharply over the year--from 53.7 to 55.6 percent for wives with school age children and from 37.4 percent to 39.3 percent for wives with children under age 6.

Other highlights of the marital and family characteristics of workers in March 1977 are:

-- Nearly two-thirds of the 15.5 million mothers in the labor force were employed full time. Of the mothers in the labor force, over one-fifth were divorced, separated,

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widowed or never-married (single). More than three-fourths of all divorced mothers and over half of the separated mothers were in the labor force. The participation rate for single mothers (42.7 percent) was high considering that three-fourths of them had children under 6.

-- The number of children under age 18 in families with mothers working or looking for work continued to rise, reaching a record 28.9 million in March 1977. More than a fifth (13.6 million) of all children were in families in which the father was either absent, unemployed, or not in the labor force.

-- Multi-earner families accounted for about 57.3 percent of the 47.5 million husband-wife families, and in the majority of these families (84 percent) both husband and wife were earners.

-- Only 27.7 percent of the 7.7 million families headed by women had more than one earner in 1976, and 26.8 percent had no earners. As might be expected, multi-earner families had higher average income ($12,400) than the one-earner families ($7,500).

These findings are from the annual survey of marital and family characteristics of workers in the population 16 years old and over. The survey was conducted in March 1977 for the Bureau of Labor Statistics by the Bureau of the Census.

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FILLERS FROM THE U.S. DEPARTMENT OF LABOR

The first state law restricting child labor was passed in Massachusetts in 1836, according to "Labor Firsts in America," a publication of the U.S. Department of Labor.

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The first federal child labor legislation was the Keating-Owens Act of 1916, which prohibited carrying in interstate or foreign commerce and goods produced by firms employing children who were under 14 or who worked 14 to 16 hours a day, according to "Labor Firsts in America." published by the U.S. Department of Labor.

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The first state bureau of labor statistics was established in Massachusetts in 1869, according to "Labor Firsts in America," a publication of the U.S. Department of Labor.

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The first federal labor bureau was created by the Hopkins Act of 1884, which placed the bureau under the Department of Interior, according to "Labor Firsts in America," a publication of the U.S. Department of Labor.

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The first state department of labor in the United States was created in New York in 1901, according to "Labor Firsts in America," a publication of the U.S. Department of Labor.

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